

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

IN RE 22ND CENTURY GROUP, INC.,)
DERIVATIVE LITIGATION)
_____)

Case No.: 1:19-CV-00479 JLS

PARTIAL STIPULATION OF DISMISSAL

Plaintiffs Stephen Mathew and Melvyn Klein (“Plaintiffs”) and Defendants Henry Sicignano III, John T. Brodfuehrer, Richard M. Sanders, James W. Cornell, Nora B. Sullivan, and 22nd Century Group, Inc. (“Defendants” and, together with Plaintiff, the “Parties”) hereby stipulate to the dismissal, without prejudice and without costs or attorneys’ fees to any Party, of all claims against deceased Defendant Joseph A. Dunn in the above-captioned action. The Parties further stipulate that Mr. Dunn is dismissed as a defendant.

This stipulation may be signed by counsel for the parties in counterparts and by facsimile, and filed with the Clerk of the Court without further notice.

Dated: October 16, 2020

Respectfully submitted,

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Dated: October 16, 2020

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